

plaintiff in the first conference by section 1202 of the Code, and the other by the common-law doctrine, and the latter the right is to be "over" the property of the "land owner" whether in a person or corporation, and whether in the streets and of county roads, public works and waters of the State and of railroads that their ordinary use shall not be thereby obstructed.

As bearing upon the proposition that

The plaintiff in error urges upon us the propriety of considering the measure of damages it would be premature to do so at the present time. We shall content ourselves, therefore, with reversing the order of the lower court and directing it to enter judgment in conformity with the views herein expressed.

X  
(Signed), GEO. K. TAYLOR, C. C.